



NORTHERN REGION

ENVIRONMENTAL MONITOR



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U. S. Army Northern Regional Environmental Office

"Incidental Manufacture" Lurks Within TRI Reporting

[Ed. Note: An Air Force installation recently found itself at odds with the U.S. Environmental Protection Agency over its failure to include in its toxic release inventory (TRI) report the incidental manufacture of a regulated substance resulting from the on-site treatment of another regulated substance. Because these circumstances may apply to some Army installations, reprinted below is the text of an Environmental Notice issued by the Air Force Central Regional Environmental Office advising Air Force installations and DoD Regional Environmental Coordinators of the case and its outcome.]

"The following is provided as an Environmental Notice to inform you of a situation concerning enforcement actions issued by HQ EPA to a DoD Region VI installation for its failure to disclose information for nitrate compounds coincidentally manufactured over the 25,000-pound manufacturing threshold, which may affect your installations.

"An installation recently received a "Notice of Opportunity to Show Cause" letter from HQ EPA under Emergency Planning and Community Right to Know Act (EPCRA) Section 313, 42 U.S.C. 11023 for failing to submit a Form R for nitrate compounds coincidentally manufactured over the 25,000-pound manufacturing threshold for multiple reporting years. The installation had submitted a Form R for nitric acid and reported its on-site treatment (i.e., neutralize) in excess of 18,000 pounds but did not report the coincidental manufacture of nitrate compounds.

"HQ EPA offered the installation to resolve its liability at a substantially reduced rate (penalty of \$5,000 per violation) by signing a "USEPA National Nitrate Compliance Agreement" and noted that subsequent violations discovered in any follow-up inspection were subject to penalties of up to \$27,500 per violation per day.

"The installation worked with our [Air Force Central Region] office on this issue

and responded to the EPA letter saying that it was committed to work with EPA to resolve the oversight and that it would prepare a Form R for nitrate compounds for each reporting year. DoD Installations must comply with the provisions of E.O. 13148 and Federal Facilities are not subject to fines from EPA for alleged violations of EPCRA. Therefore, the installation declined to sign the EPA proposed agreement.

"This information is being forwarded to you so your installations will be able to be proactive in avoiding similar problems and potential enforcement actions with fines/penalties. Please pass on as necessary. We suggest you check your records for possible coincidental manufacture of nitrate or other compounds."

For information on Army policy and support on this issue contact: Craig Peters, U.S. Army Environmental Center, (410) 436-1219, DSN 584, e-mail: craig.peters@aec.apgea.army.mil.

ECAS Initiatives Seek Further Reduction in Enforcement Actions

By Susan Phelps-Larcher
Contributing Writer

Since its establishment in 1991, the Army's Environmental Compliance Assessment System (ECAS) program has been instrumental in reducing the number of compliance problems on Army installations. As a result, the number of enforcement actions and fines also have been reduced. There is still room for improvement, however.

In Fiscal Year 2000, the Army ECAS program implemented a number of new measures to further reduce enforcement actions and fines and improve performance on Army installations. These measures include the following:

- Refine root cause analysis
- Conduct ECAS root cause study
- Implement risk-based scheduling
- Prepare executive summaries
- Establish Quick Response Technical Support Teams
- Reinforce the use of the ICAP

REFINE ROOT CAUSE ANALYSIS

The seeds for root cause analysis were sown in 1996 when the Department of Defense Office of the Inspector General submitted its final Root Cause Analysis Report, recommending that the Army develop and implement a multi-tier root cause analysis system. Currently, the Army is using a variety of root cause analysis systems, and the Office of the

Director of Environmental Programs (ODEP) is working with the major Army commands (MACOMs) to establish an Army-wide system. The National Guard Bureau's system is serving as the basic building block.

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FROM THE CHIEF

By Bill Herb
NREO Chief

This will be my last "From the Chief" column and the last time you will have to look at my non-smiling face to the right. By the time you read this article, this "actor" will be moving on to a new role, and Dr. Jim Hartman will be in place as both the permanent, "non-acting" Chief of the Army's Northern Regional Environmental Office and the DoD Regional Environmental Coordinator for Region V. Jim comes to us from the Joint Program Office at the Massachusetts Military Reservation, where he had lots of opportunities to practice the "coordination, communication, facilitation" mantra of the Regional Offices. In spite of my frown, I have sincerely enjoyed my two tours of duty in the NREO; please join me in welcoming Jim.

Did I mention crabs in my last column? Here on the Chesapeake Bay, blue crabs are one of the true highlights of summer. Steamed (with Old Bay), in soup (cream, not tomato), or in crab cakes (no breadcrumbs, please), they are true aquatic treasures, and each year we

hope they will be abundant. But even if crabs are scarce, we have other abundant aquatic treasures in the NREO area. We have all six Great Lakes (so what if you learned in school that there were only 5; someone has seriously proposed that we add Lake Champlain)! We also boast the source of the Mississippi River and the entire Chesapeake Bay drainage. Throw in the Land of 10,000 Lakes (Wisconsin modestly claims 15,000, but won't brag like those Minnesotans), the mighty Ohio, and the Youghiogheny (bet you didn't know it was pronounced "yock-a-gany"), and we barely ripple the surface.

However, wherever there are major resources, there also can be major resource issues. Even in "the Land of Pleasant Living", the waters of the Bay are troubled, but states are making



commitments to improvement. The states of the Chesapeake Bay watershed pledged to reduce runoff of harmful nutrients and sediments into the estuary so that it will be removed from the federal "dirty water" list within 10 years. In part because of earlier agreements among the surrounding states and the cooperation of DoD installations, the health of North America's largest estuary has improved since the mid-1980s. The Chesapeake Bay Foundation now rates its condition at 28, up from 23 on a scale of 100, with 100 being equal to the Bay's pristine status three centuries ago. Because DoD is a major landholder in the Bay watershed, these planned improvements may have potential impacts on our installations.

EPA is publishing Final Water Quality Guidance for the Great Lakes System. The Guidance consists of water quality criteria for 29 pollutants to protect aquatic life, wildlife, and human health, and detailed methodologies to develop criteria for additional pollutants; implementation procedures to develop more consistent, enforceable water quality-based effluent limits in discharge permits, as well as total maximum daily loads of pollutants that can be allowed to reach the Lakes and their tributaries; and anti-degradation policies and procedures. Under the Clean Water Act, Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin must adopt provisions into their water quality standards and NPDES permit programs within two years that are consistent with

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NORTHERN REGIONAL ENVIRONMENTAL MONITOR

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OUR MISSION: The NREO was established in 1995 to support the Army and DoD mission through coordination, communication and facilitation of regional environmental activities. The Army REOs are part of a DoD network in which the Army, Navy and Air Force each has lead responsibility for mission implementation in the federal regions. The NREO has DoD lead responsibility for Region V, and Army lead responsibility for Regions I, II, III and V.

THE VALUE OF EPA "GUIDANCE DOCUMENTS"

AFTER THE APPALACHIAN POWER CASE

On

By Gary Zolyak, *Regional Counsel*

April 14, 2000, the U.S. Court of Appeals for the District of Columbia Circuit issued a 3-0 opinion in the case of Appalachian Power Co. v. EPA, 208 F.3d 1015, 49 ERC 1449 (D.C. Cir. 2000). The practical effect of the Court's ruling in the Appalachian Power case (APC) may be to seriously limit the ability of the U.S. Environmental Protection Agency (EPA) to employ "guidance documents" as the basis for regulatory action.

Through the years, and for a wide variety of reasons, EPA has issued informal "guidance documents." These guidance documents (sometimes also called "circulars" or "memoranda") explain, interpret, define and occasionally expand the requirements of regulations. These guidance documents, while often reading and looking like regulations, are not issued like regulations and are NOT regulations.

In APC, Appalachian Power Company, as well as a number of electric companies and trade associations representing the nation's chemical and petroleum industry, sought review of portions of an EPA guidance document entitled "Periodic Monitoring Guidance for Title V (stationary source) Operating Permits." The guidance document outlined periodic monitoring requirements for source point emissions subject to Title V of the Clean Air Act Amendments of 1990.

EPA issued the guidance in September 1998 over the signature of two EPA officials — the Director of the Office of Regulatory Enforcement, and the Director of the Office of Air Quality Planning and Standards. Narrative in form, the guidance is available on EPA's web site (www.epa.gov). The stated purpose of the guidance is the "... (clarification of) certain principles to be applied when implementing the periodic monitoring requirements of 40 C.F.R. 70.6(a)(3)(I)(B)" That section requires each Title V

permit to provide for "periodic monitoring ... sufficient to yield reliable data from the relevant time period ... representative of the source's compliance with the permit." Among other items, the guidance establishes a framework for EPA regional office and state review of existing periodic monitoring requirements to determine whether or not those requirements need to be strengthened in a Title V permit.

The electric utilities in APC filed a petition for review of portions of the guidance, claiming that the guidance was in effect a rule that should be vacated because EPA had issued it without following rulemaking procedures required under federal law. EPA, among other arguments it put forth, took the position that the guidance is not subject to judicial review as it is not final and it is not final because it is not "binding."

In a unanimous opinion, the Court agreed with the utility companies. Significantly, however, the Court went beyond the specific challenges of the utility petition to rule that "(I)n view of the intertwined nature of the challenged and unchallenged portions of the Guidance, the Guidance must be set aside in its entirety." 208 F.3d. at 1028. The Court concluded that:

"(the Guidance) significantly broadened the 1992 rule. The more expansive reading of the rule, unveiled in the Guidance, cannot stand. In directing State permitting

authorities to conduct wide-ranging sufficiency reviews and to enhance the monitoring required in individual permits beyond that contained in State and federal emissions standards even when those standards demand some sort of periodic testing, EPA has in effect amended Section 70.6(a)(3)(i)(B). This it cannot legally do without complying with the rulemaking procedures required by 42 U.S.C. Section 7607(d)." *Id.* At 1028."

What does this all mean to installation legal and environmental staff who from time to time may be adversely affected by apparent "requirements" contained in an EPA guidance document? The first step, as always, is to inform your MACOM of the issues and consult on your actions and potential actions. Installation staff also may want to inform the DoD or Service Regional Office and ask for assistance. Potentially, the second step, again in consultation with the MACOM, is to consider filing a petition for review in the D.C. Circuit claiming that the guidance document is in effect a rule.

But how do installation staff become aware of these guidance documents that may affect an installation's interests? In any year, EPA may issue numerous guidances. Best sources include EPA websites, trade journals, Army Regional Environmental Office monthly Reviews, and applications of the holding of the APC case.

Installation staff — legal and environmental — now aware of APC, must be on alert; the ramifications of APC are just beginning to unfold.

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DOJ Decides No Supreme Court Review in EPA "Overfile" Case

By MAJ Robert J. Cotell
Environmental Law Division

On 16 September 1999, a three-judge panel of the U.S. Court of Appeals for the Eighth Circuit ruled that the Resource Conservation and Recovery Act (RCRA) does not give EPA the authority to bring an enforcement action against a company that has already resolved an action over the same violations brought by an authorized state agency. [*Harmon Industries Inc. v. Browner*, 191 F.3d 894, 49 ERC 1129, 8th Cir, 1999; 180 DEN AA-1, 9/17/99.]

On January 24, 2000, the EPA requested a re-hearing by the three-judge panel, and by the entire Eighth Circuit court. The court denied both requests. An appeal of the Eighth Circuit's opinion was due to the Supreme Court on April 24, 2000. However, the Department of Justice (DOJ) declined to take the appeal to the Supreme Court on behalf of the EPA. Accordingly, the case is now formally closed. The EPA lacks legal authority to "overfile" environmental cases resolved with state agencies.

The facts of the case are covered extensively in the November 1998 ELD Bulletin. In short, the plaintiff, Harmon Industries, was a manufacturer of safety equipment for the railroad industry. For fourteen years, Harmon's employees threw used solvent residues out the back door of the plant. The discarded solvents were hazardous wastes under RCRA.

In 1987, Harmon discovered what the employees were doing and ordered the practice to cease. Harmon then reported the disposal to the Missouri Department of Natural Resources (MDNR). EPA had authorized MDNR to administer its own hazardous waste program under RCRA. Since first being authorized to administer a program EPA had never withdrawn the State's authority.

After meeting with Harmon, MDNR oversaw the investigation and clean up of the Harmon facility. Ultimately, the State approved a post-closure permit for the facility, with costs of over \$500,000 over thirty years. In 1991, the State

filed a petition against Harmon in the State court, along with a consent decree signed by both Harmon and MDNR. The court approved the consent

decree that specifically provided that Harmon's compliance with the decree constituted full satisfaction and release from all claims arising from allegations in the petition. The consent decree did not impose a monetary penalty.

Earlier, EPA had notified the State of its view that fines should be assessed against Harmon. After the petition had been filed and approved by the State, EPA filed an administrative complaint against Harmon seeking over two million dollars in penalties. An administrative law judge (ALJ) and Environmental Appeals Board (EAB) found for the EPA. Harmon appealed to the Federal District Court on the issue of the authority of EPA to take an enforcement action where the State had already entered into a consent decree.

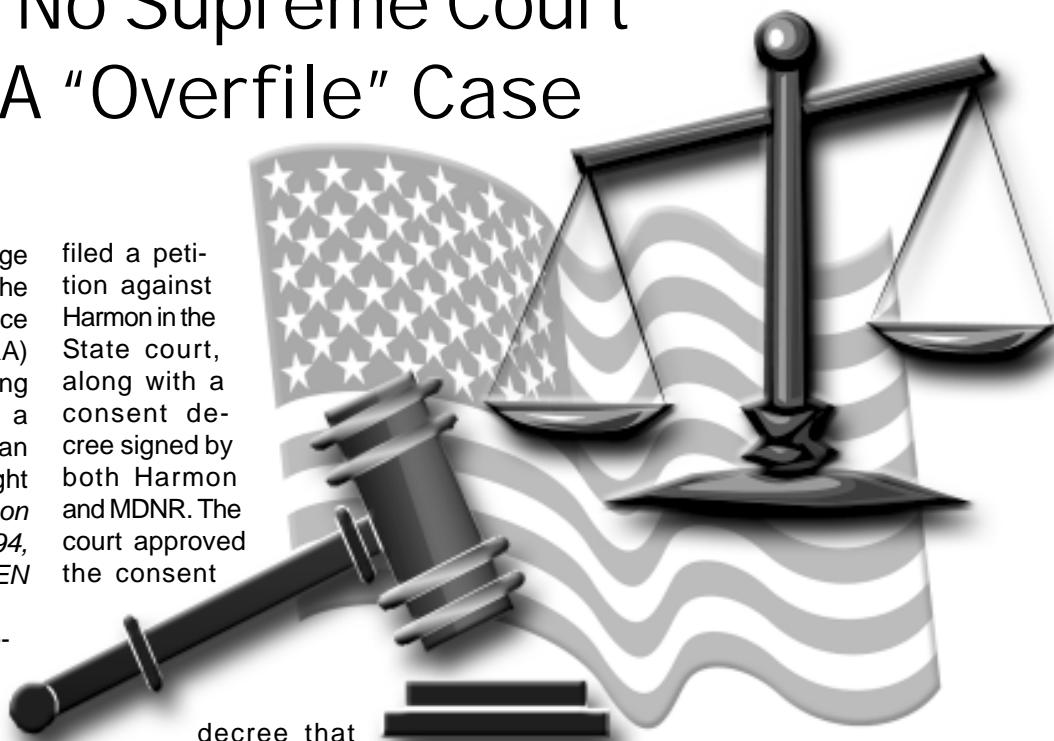
Harmon won the appeal to the Federal District Court. According to the court the RCRA does not give EPA authority to override the State once it determines an appropriate penalty. Section 3006(e) of RCRA gives EPA only the option of withdrawing authorization of a State to administer a RCRA program. EPA appealed the case to the Eighth Circuit. As noted above, the Circuit court decided in favor of Harmon, and the DOJ has declined to take the case to the Supreme Court.

In light of this case, installation

environmental law specialists should be aware of overfiling issues in all cases brought against an installation by the EPA. In almost all cases, installations will have some dealings with state regulators prior to receiving complaints from the EPA. In those cases which have resulted in the issuance of a state NOV, administrative order, or consent decree, the ability of the EPA to subsequently intervene and file an action on its own behalf has been severely limited by the court decision. In such cases, EPA must demonstrate that it has denied the authority of the state to administer the RCRA program. Further, such denial is not simply for the case at hand. Instead, it must deny the authority of the state to administer the entire program on all regulated entities. Such requirements will be a heavy burden for the EPA and it is likely that overfilings will be reduced in the future.

One final caveat should be noted. The EPA is currently appealing a similar overfiling case in the Tenth Circuit. [*U.S. v. Power Engineering Co., D. Colo., No. 97-B-1654.*]

Should the case be decided in favor of the EPA, it will create a split of opinion in the circuit courts. It is possible that this split may prompt the DOJ to seek a resolution of the issue with the Supreme Court.



DoD and EPA Region V Officials Meet

By Hugh McAlear
Army Region V REC

On April 18, 2000, representatives of the Office of the Deputy Under Secretary of Defense (Environmental Security) and the Services met with senior EPA Region V officials in Chicago. The meeting was one of a series that Mr. Bruce deGrazia, Assistant Deputy Undersecretary of Defense (Environmental Quality), and Ms. Carla Perri, Assistant Deputy Undersecretary of Defense (Cleanup), have held with EPA Regional Office staffs in recent months to discuss DoD and Service environmental accomplishments during the past seven years. The meetings also have served as a forum for discussing unresolved issues.

At the EPA Region V meeting, Mr. DeGrazia and Ms. Perri highlighted partnering in pollution prevention and cleanup, and progress in transferring land

to local reuse authorities at BRAC installations, as success stories. Reduction in the number of Notices of Violation issued to military activities and progress made in diverting solid waste from the disposal stream also were described as successes.

Although there are no known problems in Region V regarding military compliance with the Safe Drinking Water Act, EPA representatives expressed concern over the aging infrastructure at military bases that might prevent compliance with pending drinking water standards. Characterization of UXO in range areas was another concern, particularly at bases being slated for reuse where public access will be allowed. The handling of Formerly Used Defense Sites evoked criticism, and EPA representatives recommended closer collaboration during preparation of the initial inventory project

report and determination of "no DoD activity indicated."

Region V officials briefed DoD representatives on two programs in which EPA would like more DoD involvement, specifically source water assessment and protection analysis data related to military installations, and information regarding PCBs on installations and DoD use of PCB-containing equipment.

The Region V Regional Administrator, Mr. Francis Lyons, and the Deputy Regional Administrator, Mr. Dave Ulrich, commended the military on its environmental stewardship efforts, and expressed appreciation for Department of Defense initiatives to meet and candidly discuss progress and challenges.

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ECAS *(Continued from page 1)*

CONDUCT ECAS ROOT CAUSE STUDY

In FY 99, the Deputy Assistant Chief of Staff for Installation Management requested that the U.S. Army Environmental Center (AEC) conduct a retrospective analysis of FY 97-99 ECAS findings using the Environmental Management System (EMS)-based root cause model. Preliminary results showed that a majority of findings fell into the root cause categories of Implementation and Operation and Planning.

IMPLEMENT RISK-BASED SCHEDULING

Army Regulation 200-1 requires installations to conduct external assessments every three years. In FY 99, the Army Audit Agency evaluated the ECAS program and recommended that the Army use risk-based scheduling. A MACOM workgroup met in September 1999 and concurred with the recommendation. HQDA has encouraged MACOMs to develop their own risk-based models and submit them to ODEP for approval. In FY 00, a separate but joint initiative was carried out whereby MACOMs are required to maintain a six-

year assessment workplan to coincide with the funding cycle.

PREPARE EXECUTIVE SUMMARIES

In FY 00, ODEP mandated that ECAS team leaders prepare and submit an executive summary to ODEP within 30 days of completing the external assessment. The goal is to identify the priority concerns and act quickly to bring them to resolution. The new report format begins with a mission statement and includes the installation's environmental profile and major concerns. The objective is to get a summary from the team leader through the Garrison/Base Commander and MACOM to the Assistant Chief of Staff for Installation Management as soon as possible.

QUICK-RESPONSE TECHNICAL SUPPORT TEAMS

Quick-response technical support programs are not a new idea. The Training and Doctrine Command (TRADOC), Forces Command (FORSCOM), and the Army Materiel Command (AMC) currently have such programs. TRADOC and FORSCOM use the support teams to correct the most serious problems found during an assessment. AMC offers its expertise as an assistance visit upon request from the installation. AEC is

seeking funding to make support teams a fundamental part of the ECAS program. If granted, MACOMs will be able to use these funds to assist installations in carrying out short- and long-term compliance correction projects.

REINFORCE THE INSTALLATION CORRECTIVE ACTION PLAN (ICAP)

Use of the ICAP varies from installation to installation and MACOM to MACOM. The ICAP can be an important tool, however, to track an installation's compliance status and closure of findings. Installations also can use the ICAP to conduct internal assessments and track all audit findings, including enforcement actions. Three initiatives have been taken recently to bolster ICAP reporting. First, Part II of the Installation Status Report now includes ICAP-related questions. Second, ODEP issued a memorandum in September 1999 reinstating the ICAP. Finally, AEC has requested funding that, if granted, will provide MACOMs with additional resources to support the ICAP more thoroughly.

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AROUND THE STATES AND EPA REGIONS

[From Staff Reports]

NEW JERSEY VOLUNTARY CLEANUP AGREEMENT (VCA)

Three issues that had been stumbling blocks in development of the voluntary cleanup agreement appear to have been resolved. With some give and take from both sides, DoD and New Jersey representatives have reached accord on language regarding unrestricted use cleanup, funding responsibility, and permit equivalents. A revised text of the agreement has been completed and staffed through the Services and New Jersey Department of Environmental Protection for concurrence. A signing ceremony between the Services and New Jersey, to be hosted by the Deputy Under Secretary of Defense for Environmental Security, is scheduled tentatively to be held at the Pentagon on August 30, 2000.

NEW JERSEY/EPA/DoD QUARTERLY ENVIRONMENTAL WORKING GROUP

The New Jersey Department of Environmental Protection (NJDEP) recently briefed members on pending regulations regarding watershed management, airport air emissions, and coastal development. Information on the Pinelands Commission's legal authority and interaction with NJDEP also was provided. An invitation has been extended to the Pinelands Commission to attend a future Workgroup meeting to provide a more in-depth briefing of their mission and authority. [Ed. Note: Fort Dix and McGwire Air Force Base lie wholly within the Pinelands, a National Reserve established by Congress in 1978. The commission is a planning agency charged with preserving and protecting the Pinelands' natural resources.] Service briefs included the Fort Dix phase II sampling plan for sediment lead; issues facing Picatinny Arsenal as it moves toward greater privatization; and actions being taken by Fort Monmouth with regard to mercury issues in its Evans Area

NEW YORK/DoD QUARTERLY WORK GROUP

Topics covered at the most recent meeting of the work group included regulatory requirements for spill containment of fuel tankers, the upcoming New York pollution prevention conference, mercury removal from automobile switches, and the emergency response memorandum of understanding for munitions disposal being developed by DoD and the New York State Department of Environmental Conservation.

NEW YORK POLLUTION PREVENTION (P2) ANNUAL CONFERENCE

The next Annual P2 Conference is scheduled for September 19-21, 2000, in Albany. Sponsored by the New York State Department of Environmental Conservation, the conference again will include a DoD panel session. The call for nominations for the annual Governor's P2 awards, given in conjunction with the conference, is expected soon. [Ed. Note: The U.S. Army

Garrison at West Point won the 1999 Governor's award in the federal agency category for its video, "Stewards of the Castle."]

REGION III EPA/DoD ENVIRONMENTAL COLLOQUIUM

Planning is complete and the opening gavel is about to sound for the August 22-24 colloquium in Baltimore. At press time for this issue of the NREO Environmental Monitor, almost 300 registrations have been received, with more expected in the final week. Look for an article on the colloquium in the Fall 2000 issue.

VIRGINIA/DoD POLLUTION PREVENTION (P2) PARTNERING INITIATIVE

The Virginia/DoD P2 Partnership took another step toward formal status on July 20, 2000, when the military service RECs for Region III joined with Virginia Department of Environmental Quality officials and installation representatives at the Defense Supply Center - Richmond to review and give their approval to the text of a charter for the partnership. Plans call for the governor and installation commanders of military activities in Virginia to execute the charter at a signing ceremony at the State Capitol sometime in mid- to late-September. Working groups already have been formed and begun work on such issues as solvent use, universal waste, P2 procurement, and managing hazardous materials. The next meeting of partnership members is scheduled for September 7 at Quantico Marine Corps Base.

PROPOSED ILLINOIS LAND USE CONTROL RULES

Consolidated federal agency comments were submitted to the Illinois Environmental Protection Agency (IEPA) on July 10, 2000. Coordinated by the NREO Region V REC and Regional Attorney, the comments addressed provisions of the proposed rule which would appear to affect negatively the federal government's ability to utilize land use controls at remediation sites. Federal agency and IEPA representatives are tentatively scheduled to meet in mid-August to further discuss the rule's provisions and possible text changes.

MARION ENGINEER DEPOT AND SCIOTO ORDNANCE PLANT FORMERLY USED DEFENSE SITE - MARION, OHIO

In a press release issued on May 19, 2000, the State of Ohio announced an agreement in principle among the U.S. Army Corps of Engineers, the River Valley School District (Marion, Ohio) and the State of Ohio to relocate the district's high school and middle school and develop the present property for industrial use. The two schools were constructed



on property formerly occupied by the U.S. Army Marion Engineer Depot. At issue has been the still-undetermined cause of a cluster of leukemia cases among River Valley graduates. The \$25 million relocation is projected for the fall of 2003, with the Army contributing \$15 million from the Formerly Used Defense Sites fund.

DoD/ILLINOIS POLLUTION PREVENTION PARTNERSHIP

Highlights: • The partnership's strategic plan is now final, and metrics for the annual work plan are being developed for adoption at the next meeting. • The partnership's web site, managed by the Illinois Waste Management and Research Center, is operational and has been linked to DENIX. • A Partnership Certificate of Recognition was presented to a Scott AFB airman for his contributions to a very successful tire recycling day sponsored by Scott AFB in St. Clair County. • The Training Workgroup is developing environmental awareness training modules through the auspices of the Illinois Waste Management and Research Center targeting three levels — command level, middle management level, and worker level. Current plans call for training to begin in fiscal year 2001.

DoD/INDIANA POLLUTION PREVENTION PARTNERSHIP

Highlights: • The web page for the partnership is nearing completion on the Indiana Department of Environmental Management web server. • Procedures for the partnership's awards program have been discussed, and a nomination form and award certificate are being developed. • The Great Lakes Regional Pollution Prevention Roundtable, to be hosted by the Indiana Department of Environmental Management in August, will include DoD representatives as speakers in breakout sessions and as tour guides.

DoD/MICHIGAN POLLUTION PREVENTION ALLIANCE

Highlights: • The Alliance web site is up and running and now linked to DENIX. • The Michigan Department of Environmental Quality (MDEQ) has briefed alliance members on the Retired Engineer Technical Assistance Program as a resource to perform opportunity assessments on DoD installations at no cost. The Selfridge Air National Guard Base has requested such an assessment. • MDEQ also has briefed the alliance on Phase II Storm Water Regulations and Permit Requirements.

FOR FURTHER INFORMATION ON THESE ACTIVITIES, CONTACT:

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DoD/OHIO POLLUTION PREVENTION PARTNERSHIP

Highlights: • The partnership has completed another opportunity assessment, at Rickenbacker Air Guard Base. • The brochure describing the opportunity assessment program has been printed and distributed to partnership members. • The partnership's strategic plan is now complete. • The final link in the chain connecting DENIX and the partnership web site has been put into place. • The partnership has adopted co-chair procedures, with co-chairs rotating nominally every two years. • The Rickenbacker Air Reserve Base representative has succeeded the Wright-Patterson AFB representative as the DoD co-chair.

WISCONSIN/DoD POLLUTION PREVENTION ALLIANCE

Highlights: • Copies of the signed alliance charter have been distributed to alliance members. • The alliance strategic plan has been adopted. • The Wisconsin Department of Natural Resources has agreed to host the alliance web site which in time will be linked to DENIX. • The alliance has approved award certificate and nomination forms and its first award nomination.

Lakewide Management Plans Being Developed for the Great Lakes

By Hugh McAlear
Army Region V REC

The U.S. Environmental Protection Agency (EPA) and its Canadian counterpart, Environment Canada, are drafting Lakewide Management Plans (LaMPs) for each of the Great Lakes. The LaMPs are intended to address problems in the entire ecosystem of each lake, not just pollution "hot spots."

LaMPs identify types of emissions sources such as solid waste and recycling facilities that are contributing to Great Lakes pollution, and outline policy strategies to mitigate the problems. They are being developed as part of the Great Lakes Water Quality Agreement between the United States and Canada.

While LaMPs share many common features, each is unique.

For example, all plans focus on purging mercury-containing wastes from the solid-waste stream. They stress the importance of collecting household hazardous waste, school waste and hospital waste that may be tainted with mercury. In addition, all LaMPs identify solid waste collection as a major contributor to air emissions polluting the lakes.

The plans vary in establishing different targets for reducing or eliminating pollutants, and in their details. The Lake Superior LaMP identifies nine critical pollutants for virtual elimination by 2020, including mercury, dioxin and hexachlorobenzene. It also sets interim reduction goals. The Michigan and Superior LaMPs both note problems posed by unregulated backyard burning, which is considered a key source of dioxin in the atmosphere.

The plans are expected to yield drastic reductions in airborne emissions from garbage and medical waste incinerators, backyard trash burners, scrap yards and other waste sources in the Great Lakes region.

The plans also target specific types of firms for public education. The Lake Superior LaMP targets reclamation and recycling firms. Environment Canada, and the states of Michigan and Minnesota, plan to target appliance recyclers and vehicle-salvage yards. EPA Region V intends to encourage special training for demolition contractors.

Government agencies will hold public meetings in the Great Lakes region over the next several months to discuss the plans and seek public input prior to making them final. The plans can be accessed on the internet at: <http://www.epa.gov/glnpo/gl2000/lamps/>.

FROM THE CHIEF

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the Guidance, or EPA will promulgate the provisions for them.

Putting an international twist on Great Lakes issues, the EPA and its Canadian counterpart are seeking comments on proposed strategies to reduce nine critical pollutants in the Lake Superior Basin. The targeted pollutants are those mostly likely to harm human health, the environment or recreational activities, such as fishing or swimming. Targeted pollutants are dioxin, mercury, PCBs, hexachlorobenzene, octachlorostyrene, chlordane, DDT, dieldrin/aldrin, and toxaphene. In an April meeting between representatives of ODUSD(ES) and EPA Region V, DoD was specifically requested to participate in voluntary PCB-reduction efforts in the Great Lakes area.

Nationwide, states have identified about 21,000 waterbodies that do not meet water-quality criteria for fishing, swimming, boating, drinking, etc. States must develop about 42,000 TMDLs

(total maximum daily loads) for these impaired waterbodies. A TMDL is the amount of pollutant that a waterbody can receive and still meet water quality standards, and sets the stage for achieving water-quality standards by such means as NPDES permits for point sources, state nonpoint source management programs, federal laws and requirements, state and local laws and regulations, and local or regional watershed management programs. All of these have potential impacts on DoD installations discharging (point or nonpoint) to impaired waters. States are going to be developing source water protection plans to protect drinking-water sources across the country. In the same April meeting with ODUSD(ES) mentioned above, EPA Region V requested that DoD installations participate, where possible, with state agencies in developing these source-water protection plans.

In an area that is close to our hearts (and stomachs), EPA has promulgated a rule to require most drinking-water systems to give consumers an annual report (Consumer Confidence Report) on

the quality of their drinking water. These reports will include practical information for consumers that will empower them to make informed personal choices about drinking water based on the report's snapshot of current conditions. Numerous installations have developed these reports and will continue to distribute them in the future.

My comments in this issue concentrated on water issues, but I know you won't lose sight of the fact that there are countless other issues that we face. We need to continue to be good stewards of all the resources on DoD lands, and must continue to comply with our legal requirements. At the same time, we need to clean up contamination from our past activities. And we must do all of this while executing our primary mission of national defense. I hope that through my involvement with the Army's Northern Regional Environmental Office, and my role in DoD regional environmental coordination, I have contributed to these worthy goals.

Welcome Jim, and good luck.

Michigan Governor Announces DOD/Michigan Alliance to Cut Pollution at Military Installations

By Hugh McAlear
Army Region V REC

Governor John Engler of Michigan issued a Press Release on Earth Day 2000 announcing the formal establishment of the Department of Defense/State of Michigan Pollution Prevention Alliance.

The participating military installations and environmental agencies have signed a charter agreement outlining goals to

promote pollution prevention at installations around the state. Goals include establishing pollution prevention information exchanges and creating training programs to increase environmental awareness among military personnel and employees.

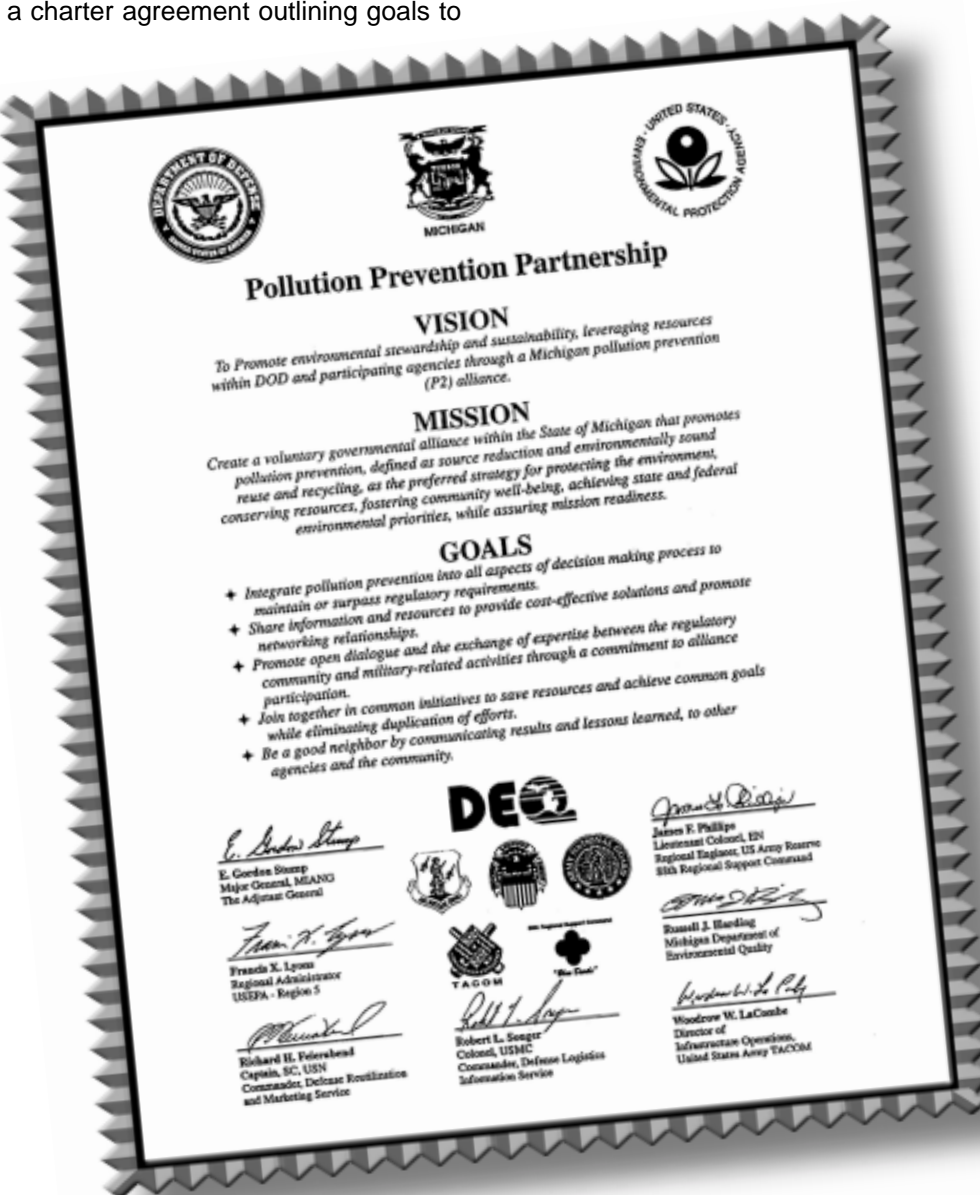
"Cooperation is the key to solving complex environmental challenges," Governor Engler said. "This arrangement complements Michigan's

continued emphasis on pollution prevention, and underscores the dynamic results we can achieve when government agencies join forces to address common concerns."

Michigan's Director of Environmental Quality, Russell Harding, added, "Michigan's environment will see meaningful gains through this innovative partnership. The alliance already has identified several priority areas for reducing waste and inefficiency."

Joe Krawciw, of the U.S. Army Tank Automotive and Armaments Command, serves as the Department of Defense Co-chair for the alliance. He pointed out "that for years the military has been trying to clean up and control pollution after the fact. By eliminating pollution at the point of generation we can reduce disposal costs, protect the environment and enhance mission readiness."

Participating military installations in the alliance include Michigan Air National Guard bases in Alpena, Battle Creek and Mount Clemens; installations of the Michigan Army National Guard and the U.S. Army Reserves; the Defense Reutilization and Marketing Service; the Defense Logistics Information Service; the Defense Reutilization and Marketing Office at Selfridge; the U.S. Army Tank Automotive and Armaments Command; and the U.S. Army Tank Automotive Research, Development and Engineering Center.



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A New Approach to Tactical Concealment Planning and Design

by Kim Michaels

USAEC Conservation Branch

"Concealment - Those topographic variations, whether artificially constructed or natural, that provide protection from ground and aerial observation by the opposition."

A new approach is being applied to training land design that integrates training and environmental requirements to enhance an installation's training resources — including concealment. Installations can now sustain training lands as well as provide better environmental stewardship — both a must in today's environment of diminishing resources and increased regulatory requirements.

Available training lands offer limited maneuverability when training to doctrinal standards. Large expanses of land are needed in order to support these training standards, and environmental concerns are ever present. If not maintained, large-scale erosion and loss of vegetation lead to further environmental problems and may negatively impact the training mission. Concealed or otherwise, training lands must be maintained, and a balance between training and the environment must be reached.

The *Tactical Concealment Area (TCA) Planning and Design Guidance Document*, developed by the U.S. Army Environmental Center (USAEC), seeks to integrate training and environmental management. The guidance document uses a holistic approach that considers an installation's training needs, existing resources, resource conditions, and environmental constraints in planning and designing realistic training areas. The result is expanded and/or enhanced training resources, fewer environmental impacts and greater safety.

The guidance provides procedural guidance for trainers and land managers involved in the planning, design and implementation of tactical concealment. It is designed to assist in initiating and implementing most tactical concealment projects for developing realistic, effective and environmentally stable training areas,

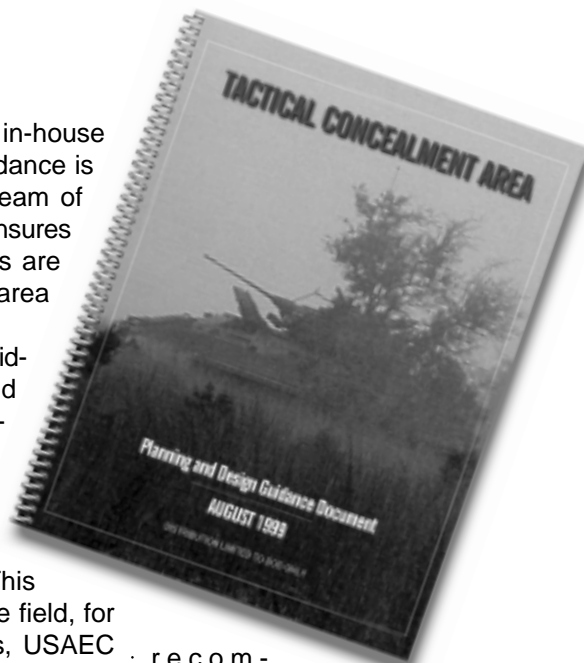
and provides ideas for using in-house resources. Implicit in the guidance is the need for an integrated team of experts. The team approach ensures the entire installation's needs are met in terms of total training area design.

The tactical concealment guidance was successfully field tested at two Army sites - Camp Bullis, Texas and Fort Hood, Texas — and two National Guard sites — Camp Guernsey, Wyoming, and Camp Ripley, Minnesota. "This document was created by the field, for the field," said Kim Michaels, USAEC Project Manager. "It contains lessons learned and general design criteria that came directly from installation experts who work these situations every day."

No other single document pulls this type of information together in one source. There are no set designs or off-the-shelf templates for designing TCAs. "The trick is in the team you develop before any planning or designing takes place," said Dusty Bruns, Integrated Training Area Management (ITAM) Coordinator, Camp Bullis. "Each TCA is an outgrowth of both training and environmental considerations that are brought to the table by specific team members."

The guidance not only provides valuable field knowledge, it also includes pictorial examples that clearly illustrate the text. "As stated early in the document, the initial field survey was critical for us," said David Palmer, State Environmental Specialist for the State of Wyoming. "It provided invaluable information that was needed through the planning and design phases."

In addition to providing valuable information, the guidance offered the demonstration sites cost-saving strategies. Marty Skogland, Environmental Supervisor at Camp Ripley, said, "Using in-house personnel and equipment, like the document suggests, provided more flexibility and reduced our project costs by 50 percent." At Camp Bullis, a 70 percent savings per acre was accomplished by applying many of the guidance



recommendations. "We have increased our training land utilization for active and reserve components by over 100 percent," said Dick Strimmel, U.S. Army Medical Command (MEDCOM) ITAM Program Manager at Camp Bullis. "Build it and they will come."

From vehicle maneuverability to wildlife land use and training realism, this document covers a wide range of training land elements. Data sheets and forms are provided for data collection to assist in design planning and effectiveness.

Copies of the *Tactical Concealment Area Planning and Design Guidance Document* are available through the Technical Information Center (TIC) at:

USAECTIC@aec/apgea.army.mil

These copies are restricted to DoD personnel only.

Web-based versions are available for DENIX account holders at:

<http://aec.army.mil/prod/usaec/et/conserv/conserv.htm>.

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Window Econometric Analysis Supports Energy Efficiency

By Melanie Graham
Contributing Writer

Army installation managers are challenged to maintain aging buildings and operate them according to budget allocations. Window repair/replacement and energy efficiency are among the most significant issues facing managers.

The Army facilities database indicates that approximately 73,000 Army buildings will become 50 years old within the next 30 years. To keep up with this immense responsibility, installation managers search for ways to improve energy efficiency and reduce cost.

No window set is completely energy efficient; as window hardware ages, efficiency gradually decreases. Complete window replacement is not the only option; the new window econometric analysis program provides window life-cycle cost comparisons for repair, rehabilitation and/or the replacement of windows.

The program assists users by grouping physical characteristics such as material, size, type, fit and present condition into four categories according to the extent of repair needed: minor, moderate, intensive or custom. To account for site-specific labor and material cost, nationally averaged data is modified to reflect local construction cost. The econometric analysis pro-

vides up to fourteen possible repair actions ranging from less extensive repairs such as painting and weather stripping to complete window replacement.

According to Caroline Hall, USAEC historian, "One of the real strengths of the program is that the life-cycle comparison analyzes cost implications over a 20-year time frame. This is a more accurate assessment of total cost implications for any project." Managers can examine repair scenarios and easily identify the most cost-effective and beneficial solution for the windows.

The reports section allows the manager to review, assemble and print the results of the window econometric analysis. A convenient report table includes initial project cost, energy savings, and life-cycle maintenance cost for each scenario.

*The Window Econometric Analysis program is available for DENIX account holders at:
<http://aec.army.mil>*

*CD Rom versions are available to DoD activities through the Technical Information Center (TIC) at:
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